

05-40004

United States Court of Appeals For the First Circuit

Nos. 05-1524 ✓
05-1481 ✓

GEORGE BENYAMIN

Plaintiff - Appellant

v.

THOMAS BELIVEAU, Attorney; ALAN MASON, Attorney; JAMIE MILOT;
JESSICA BARRY; ANN EGNITZ; THOMAS R. HOOVER, City Manager for the
City of Worcester; DAVID HOLDEN, Commissioner Inspector; CHIEF
INSPECTOR CAHILL; DAVID MOORE, Attorney; DONALD RICHARD,
Attorney; CITY OF WORCESTER; FRANK TABORI, Constable; IAN M. BENNIE;
MADELINE R. ARN; LORING P. LAMOUREAUX; KATHLEEN
DELLOSTRITTO, Assistant D.A.; SUSAN A. GARVIN; JOSEPH BRENNAN,
Attorney; EILEEN FINNERAN, Police Officer; MARK TIVAN, Police Officer;
HON. JAMES DONOHUE; RICHARD N. BRADLEY, Attorney; LAW FIRM OF
FISHER, FOLEY, BRENNAN & SOUSA; LAW FIRM OF FULLER,
ROSENBERG, PALMER & BELIVEAU; THE LAW FIRM OF ATTORNEY ALAN
MASON

Defendants - Appellees

CORRECTED *
ORDER OF COURT

Entered: July 11, 2005

In an order entered on April 28, 2005 in civil action no. 05-40004-FDS (D. Mass.), the district court certified pursuant to 28 U.S.C. 1915(a)(3) and Fed. R. App. P. 24(a)(3) that plaintiff George Benyamin's appeal is not taken in good faith. Accordingly, the orders entered on April 19, 2005 and April 27, 2005 permitting appellant to pay the filing fee in installments pursuant to 28 U.S.C. 1915 are hereby vacated. If appellant seeks to challenge the district court's certification, he may do so by filing a motion pursuant to Fed. R. App. P. 24(a)(5). The time for appellant to pay the docketing fees of \$255.00 for each appeal to the District Court of Massachusetts is enlarged to and including July 1, 2005. By that date, appellant must either file a motion in this court pursuant to Fed. R. App. P. 24(a)(3) or pay the full filing fee for each of these appeals. Failure to take either action will lead to dismissal of these appeals for lack of diligent

prosecution. See Loc. R. 3(b).

* This order corrects the order issued on 6/2/05 to reflect that a copy has been sent to appellant's custodian and to the Clerk of the United States District Court for the District of Massachusetts.

CERTIFIED COPY:
I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

CLERK OF THE DISTRICT COURT OF APPEALS
BOSTON, MA

..... Date

By the Court:

Richard Cushing Donovan, Clerk

By: **MARGARET CARTER**
Chief Deputy Clerk

[Certified Copies: Hon. F. D. Saylor, IV and Sarah Thornton, Clerk]

[cc: George Benjamin, James Thomas Beliveau, Alan Mason, Jamie Milot, Jessica Barry, Ann Egnitz]